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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/682,217  | 10/08/2003  | Ly D. Nguyen         | H0005469            | 8098             |
| 7590  | 06/02/2005  |                      | EXAMINER            |                  |
| Honeywell International Inc.<br>Law Dept. AB2<br>P.O. Box 2245<br>Morristown, NJ 07962-9806 |             |                      | KIM, TAE JUN        |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3746                |                  |

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/682,217             | NGUYEN ET AL        |
|                              | Examiner<br>Ted Kim    | Art Unit<br>3746    |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-22 is/are pending in the application.
  - 4a) Of the above claim(s) 17-22 is/are withdrawn from consideration.
- 5) Claim(s) 9-11, 14 and 15 is/are allowed.
- 6) Claim(s) 1-3, 5-8, 12, 13 and 16 is/are rejected.
- 7) Claim(s) 4 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/08/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-16, drawn to a gas turbine engine with turbine scroll, classified in class 60, subclass 798.
  - II. Claims 17-22, drawn to a method of preventing a gas turbine engine from choking, classified in class 60, subclass 772.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the method is for preventing choking and maintaining a constant B-width size. The apparatus can be employed choked and/or with a variable B-width.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Michael Shimokaji on 5/16/05 a provisional election was made with traverse to prosecute the invention of group I, claims 1-16. Affirmation of this election must be made by applicant in replying to this Office action.

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Claims 17-22 have been withdrawn from further consideration by the examiner, 37

CFR 1.142(b), as being drawn to a non-elected invention.

*Specification*

5. The disclosure is objected to because of the following informalities: the first few lines of the first paragraph of the specification is inconsistent with the rest of the application as there is no further disclosure of turbochargers.
6. Appropriate correction is required.

*Claim Objections*

7. Claim 12 is objected to because of the following informalities: claim 12, line 8, after "point" a semicolon should be inserted. Appropriate correction is required.
8. Claim 16 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim (it depends on itself). Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form (on claim 14), or rewrite the claim(s) in independent form.

*Claim Rejections - 35 USC § 102*

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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10. Claims 1, 3, 5-8, 12, 13, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 4-303135. JP '135 teaches a gas turbine engine comprising: a turbine scroll 2 inside a combustor housing 4-303135; the turbine scroll comprising at least four pairs of sealing surfaces; a B-width, measured between a forward discourager 73 and an aft discourager 75<sub>1</sub>; a forward bayonet 61 adjacent the forward side of the turbine scroll; the forward bayonet contacting a radial nozzle 22 at a bayonet engagement point; a retaining ring 75<sub>3</sub> adjacent an aft scroll ring (end of 75<sub>1</sub> or see 103 in Fig. 21); the retaining ring 75<sub>3</sub> securing the turbine scroll while maintaining an axial loading point on the aft scroll ring (end of 75<sub>1</sub> or see 103 in Fig. 21; and a forward scroll ring; the retaining ring restraining displacement of the forward scroll ring and the aft scroll ring; the turbine scroll is generally coil-shaped (see Figs. 1, 2); wherein the aft discourager comprises a bending angle within the range of from about 60 degrees to about 120 degrees, i.e. appears to be about 90 degrees; further comprising a radial seal at the forward side of the radial nozzle and a radial seal at the aft side of the radial nozzle for sealing the radial nozzle against leaking of exhaust gas

*Claim Rejections - 35 USC § 103*

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 4-303135. JP '135 teaches various aspects of the claimed invention and teaches a forward discourager with a bending angle that appears to be close to about 60 degrees to about 120 degrees. It would have been obvious to one of ordinary skill in the art to employ the claimed range as an obvious matter of finding the workable ranges in the art.

*Allowable Subject Matter*

13. Claims 9-11, 14, 15 are allowed.

14. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Contact Information*

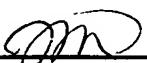
Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Ted Kim whose telephone number is 571-272-4829. The Examiner can be reached on regular business hours before 5:00 pm, Monday to Thursday and every other Friday.

The fax numbers for the organization where this application is assigned are 703-872-9306 for Regular faxes and 703-872-9306 for After Final faxes.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler, can be reached on 571-272-4834.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist of Technology Center 3700, whose telephone number is 703-308-0861. General inquiries can also be directed to the Patents Assistance Center whose telephone number is 800-786-9199. Furthermore, a variety of online resources are available at <http://www.uspto.gov/main/patents.htm>

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|                                     |                   |              |
|-------------------------------------|-------------------|--------------|
| Ted Kim                             | Telephone         | 571-272-4829 |
| Primary Examiner                    | Fax (Regular)     | 703-872-9306 |
| May 25, 2005                        | Fax (After Final) | 703-872-9306 |
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